
Re: Huawei/Futurewei Participation at BWRC and RiseLab Retreats next week

1 message

Michael Aday <maday@futurewei.com>

Tue, May 21, 2019 at 2:14 PM

To: Randy Katz <randykatz@berkeley.edu>Cc: Elizabeth Brashers <ebrashers@berkeley.edu>, Patrick Schlesinger <pschlesinger@berkeley.edu>, Alaisha Hellman <amhellman@berkeley.edu>, Eric Giegerich <egiegerich@berkeley.edu>, David Robinson <dmrobinson@berkeley.edu>, shengxu 73531 <sheng.xu@huawei.com>, Yue Chen 90988 <yue.chen@huawei.com>, zhuyingming 00342604 <zhuyingming@huawei.com>, Milton Frazier <milton.frazier@huawei.com>

Randy, I wanted to share some additional information from Milton Frazier, our counsel, regarding these issues. His letter, which is attached, is indicative in tone and content of the desire that we must maintain the vibrant collaboration which we together have created.

As I had previously stated – Futurewei is not on the “entity list” and we want to ensure that this point of confusion does not damage our relationship. Further, I wanted to ensure that we agree that because of the nature of the research being conducted at the various Berkeley Labs to which Huawei belongs, that research is fundamental. It is published; indeed, it is funded through gifts expressly for the purpose of facilitating its publication. As fundamental research it is not subject to the EAR and would not be covered by these new export control sanctions.

I am hopeful that because of the early morning reversals and easing of the statements that were made last week by DOC/BIS we will still be permitted to attend these lab off sites,

Thanks for your consideration,
Mike.

From: Michael Aday <michael.aday@huawei.com>**Sent:** Tuesday, May 21, 2019 2:10 PM**To:** Michael Aday**Subject:** FW: Huawei/Futurewei Participation at BWRC and RiseLab Retreats next week

From: Randy Katz <randykatz@berkeley.edu>**Sent:** Friday, May 17, 2019 4:51 PM**To:** Michael Aday <michael.aday@huawei.com>**Cc:** Elizabeth Brashers <ebrashers@berkeley.edu>; Patrick Schlesinger <pschlesinger@berkeley.edu>; Alaisha Hellman <amhellman@berkeley.edu>; Eric Giegerich <egiegerich@berkeley.edu>; David Robinson <dmrobinson@berkeley.edu>; Dan MOGULOF <dmogulof@berkeley.edu>**Subject:** Huawei/Futurewei Participation at BWRC and RiseLab Retreats next week

Dear Mike:

As you know, the US Department of Commerce announced on May 15 that it is placing Huawei Technologies Co., Ltd. and its non-US affiliates, including the non-U.S. corporate parent of Futurewei, on the Entity List of restricted parties. This decision will be published in the Federal Register on May 21, 2019.

UC Berkeley is in the process of evaluating the implications of this action on our relationships and interactions with Huawei and Futurewei.

Given our concern that there could be serious legal and financial risks to our faculty and researchers for violating the federal Export Administration Regulations (EAR), we respectfully request that Huawei and

Futurewei employees refrain from participating in these upcoming industry partnership retreats and other events organized by UC Berkeley, of which Huawei or Futurewei is a sponsoring member/partner.

I thank you for your consideration. Please don't hesitate to contact me with any questions.

Yours truly,

Randy

Randy Howard Katz
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May 20, 2019

Dear Collaboration Partners:

As you are probably aware, on May 16, 2019 the Bureau of Industry and Security (BIS) of the Department of Commerce announced that Huawei Technologies Co., Ltd., and some non-United States Huawei affiliates were also added to an entity list.

Huawei opposes the decision of the Bureau of Industry and Security BIS and believes that this decision is in no one's interest, will do significant economic harm to American companies with which Huawei does business, affect tens of thousands of American jobs, and disrupt the current collaboration and mutual trust that exist throughout the global supply chain.

That being said, Futurewei Technologies, Inc., a wholly owned but independently operated U.S. subsidiary of Huawei is **NOT** on the entity list, will strictly comply with all applicable laws and regulations (at all levels) while we continue to conduct our R & D business in the United States and determined that the collaboration with your institution is a critical part of global R & D contribution.

We value our past and current collaboration relationship with your institution, and we want to share with you our view in regards to current and possibly future collaborations:

1. Again, Futurewei is **NOT** on the BIS entity list and therefore is free to collaborate with any US local academic institutions and industry partners.
2. We are committed to fulfill any and all of our contractual obligations with regard to all current collaboration projects with your institution, e.g., sponsored research, gift funding, etc. as long as allowed by applicable US laws & regulations.
3. We are open to future collaboration with your institution whenever, wherever, or however you feel comfortable, to continue to push academia/industry cooperation to build an open, healthy ICT ecosystems.

Our intention is simple, i.e., to give back.

Giving back to academia enables faculties and students to do what they have dedicated themselves to do, utilize their time and energy to the furthering of fundamental research and development, publish whenever possible, and together with industry advance science and technology for the common good - with no worries about funding shortages!

If you have any questions, please do not hesitate to reach out to me!

Best Wishes,

Milton M. Frazier
General Counsel and Chief Legal Compliance Officer